

REMARKS

Reconsideration of this application and the rejection of claims 1-3 and 5-17 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated December 10, 2008 (Paper No. 20081204) and believe the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Claims 1, 3, 5-12 and 17 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,226,568 to Newton et al. Applicants disagree with and traverse this rejection for the following reasons.

Newton discloses a flexible container including a container assembly 12 and a cap 11. The container assembly 12 includes a deformable body portion 16, a neck portion 17 and a head portion 18. A valve closure 15 is secured to the body portion 16 by a retaining ring 14 and defines a discharge outlet 34 that allows material to flow out of the container. As shown in Fig. 3 below, the cap 11 is removably secured to the retaining ring 14 by mating threads.

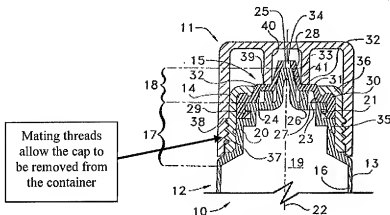


FIG. 3

In contrast, amended claim 1 recites, among other things, a one-way valve for discharging a flowable material from a container that includes “an independent valve seat which is positioned in an opening defined by a neck of the container and comprises a base body which rests on an inner wall of the container neck and contains at least one through hole, and a projection having an end section, said projection extending axially from said base body” and “a non-removable cap configured to enclose said valve seat and said seal and defining an exit opening, wherein when the one-way valve is in a closed state, said end sections of said projection of said seal rest in said exit opening, and when the one-way valve is in an open state, said end section of said seal moves upwardly out of said exit opening.” Newton fails to disclose such subject matter.

In Newton, the body portion 16, the neck portion 17 and the head portion 18 are all integrally formed together. In support, the Examiner states in the Office Action that “the valve seat of Newton is arranged in contact with the inner wall of the container, in fact the valve seat is a continuation of the inner wall.” (See the Office Action, page 3.) The valve seat is therefore not an independent component that is positioned in an opening defined by a neck of a container as recited in amended claim 1. Further, the independent valve seat of the claimed invention allows the one-way valve to be used on different containers. In contrast, the integral container assembly of Newton is limited to one, specific container.

Additionally, the cap 11 in Newton is removable whereas the cap recited in amended claim 1 is not removable. Furthermore, a person of ordinary skill in the art would not

configure the cap in Newton to be non-removable, because doing so would prevent material stored in the container from being dispensed from the container. Newton therefore does not disclose a non-removable cap. For at least these reasons, Applicants submit that amended claim 1, and the claims that depend therefrom, are each patentably distinguished over Newton and in condition for allowance.

Amended claim 17 includes similar subject matter to amended claim 1. Specifically, amended claim 17 recites, among other things, a one-way valve for discharging a flowable material from a container that includes “a non-removable cap seated on a neck of the container and defining an exit opening that allows the flow of material to exit the container.” As stated above, Newton does not disclose such a cap nor would it be obvious to modify Newton’s cap to be removable because doing so would prevent any material from being able to be discharged from the container.

For at least these reasons, Applicants submit that amended claims 1 and 17, and the claims that depend therefrom, are each patentably distinguished over Newton and in condition for allowance.

Claims 2 and 13-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Newton and U.S. Patent No. 5,490,938 to Sawan et al. Applicants disagree with and traverse this rejection for the following reasons.

The Examiner states that Newton discloses all of the features of the claimed invention except for “sterilization means arranged in the product flow path.” The Examiner

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therefore relies on Sawan to disclose this feature. Sawan discloses a liquid dispenser for sterile solutions that includes a container 4 and a nozzle assembly 3. Sawan does not remedy the deficiencies of Newton. Accordingly, Applicants submit that claims 2 and 13-16 are each patentably distinguished over the combination of Newton and Sawan and in condition for allowance.

Applicants submit that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Alternatively, the claims have been placed in better form for Appeal. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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